THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No. 15543 of 2006

Dated: 01-08-2006

Between:

Smt.Gadela Lakshmamma Petitioner

And

The State Election Commissioner, A.P.Hyderabad and others

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No. 15543 of 2006

ORDER:

1. The writ petition is filed for a Writ of Mandamus declaring the action of the respondents 1 to 3 in not receiving nomination papers of the petitioner and in not permitting her to contest in the election for the post of Sarpanch of Dannanapeta Gram Panchayat, Nellimarla Mandal, Vizianagaram District by disposing of the appeal of the Petitioner as illegal, arbitrary and violative of principles of natural justice and also violative of Articles 14 and 21 of the Constitution of India besides violative of provisions of the A.P.Panchayat Raj Act,1994 and Rules made thereunder and consequently direct the respondents to receive the nomination papers of the petitioner and permit her to contest in the elections and to pass such other suitable orders.

2. It is stated that the petitioner is a permanent resident of Dannanapeta Gram Panchayat and his name is entered in the voters list as Serial No. 774. Similarly, the 4th respondent is also a resident

of the same village. It is also stated that the election for the post of Sarpanch to the Dannanapeta Gram Panchayat is notified on 10-07-2006 and as per the notification, nominations had to be filed from 15.07.2006 to 19.07.2006. Scrutiny of the nominations were scheduled to be on 20-07-2006. Whereas withdrawals to be done from 21-07-2006 to 23.07.2006. The election if necessary is scheduled to be held on 02-08-2006. It is also stated that all the family members and well wishers and villages encouraged the petitioner to contest in election for the post of Sarpanch with an intention to file nomination papers duly proposed by Gadela Surappala Naidu whose name is shown at Serial No.696 in the voters list, he approached the 2nd respondent on 19-07-2006 at 4.30 p.m. i.e. well before the prescribed time. At that time another contestant whose name also Gadela Surappala Naidu came along with her to file his nomination papers. After entering into the 2nd respondent's office and while submitting the nomination papers to him, the 4th respondent along with his supporters Regana Govinda Rao, Regana Raja Rao and Regana Rama Krishna forcefully snatched our nomination papers from their hands and destroyed the same and also abused ,scolded and threatened them in front of the 2nd respondent . Further they had beat their nephew G.Satyam and thrown chairs and benches of the 2nd respondent office and created terror and prevented them from filing their nomination papers. It is also stated that the petitioner along with aforesaid Gadela Surappala Naidu gave complaint on 19-07-2006 itself to the Station House Officer, Nellimarla P.S. and the said complaint was registered as FIR No.76 dated 19-07-2006 under Section 341, 323 read with Section 34 IPC against the 4th respondent and others. It is also stated that as the time for filing nominations was only up to 5.00 pm on 19-07-2006 and when they approached the 2nd respondent for filing of nomination papers at 4.30 p.m. on 19-07-2006 as they were prevented forcefully by the 4th respondent from filing their

nomination, they have submitted an appeal to the 3rd respondent on 19-07-2006 requesting him to receive their nomination papers and permit them to contest in the election and also to take action against the 4th respondent and others. It is also stated that as though the appeal was submitted on 19-07-2006 itself, the 3rd respondent-Revenue Divisional Officer had not disposed of the appeal and not passed any order so far and not permitted them to contest in the election which is scheduled to be held on 02-08-2006.

3. The factual details had been narrated. It is no doubt stated that F.I.R. No.76 had already been registered. It is needless to say that these all factual details which may have to be gone into at the appropriate stage. At this stage, this court as a writ court cannot go into all these factual aspects. Prima facie, this court is of the considered opinion that the petitioner is having remedy by way of election petition. Hence, the petitioner is permitted to raise all these grounds inclusive of additional grounds which may be available to the petitioner by approaching appropriate election tribunal.

4. With the above observation, the writ petition is disposed of. No order as to costs.

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01-08-2006

Stp